

UNITED STATES BANKRUPTCY COURT
District of New Jersey

IN RE: **Donald L Linden**
Joanne Isidori-Linden

Case No.: **15-30186**

Judge: **SLM**

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS - AMENDED

☐ Original
☐ Motions Included

☒ Modified/Notice Required
☐ Modified/No Notice Required

Date: 10/13/2017

THE DEBTOR HAS FILED FOR RELIEF UNDER
 CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney HIM Initial Debtor: DLL Initial Co-Debtor J I

Part 1: Payment and Length of Plan

a. The debtor shall pay 200.00 Monthly to the Chapter 13 Trustee, starting on 11/21/2015 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property
Description:
Proposed date for completion: _____

☐ Refinance of real property:
Description:
Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

☒ NONE

a. Adequate protection payments will be made in the amount of \$ ____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$ ____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Harvey I. Marcus (HM8635)	Attorney Fees	2,000.00
Harvey I Marcus (HM8635)	Attorney fees	per court order

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ **NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ **NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ **NONE**

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid

-NONE-

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Creditor

Toyota Motor Credit Co

Toyota Motor Credit Co

Rushmore Loan Management Services (permanent loan modification)

g. Secured Claims to be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
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Part 5: Unsecured Claims ☐ NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ ___ to be distributed *pro rata*

☐ Not less than ___ percent

☒ *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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Part 7: Motions ☒ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. **Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒
NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Priority Claims
- 4) Secured Claims
- 5) Lease Arrearages
- 6) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ **NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 3/24/2017.

Explain below **why** the plan is being modified:

debtors obtained a permanent loan modification

Explain below **how** the plan is being modified:

Part 1c eliminate loss mitigation. Part 4a eliminate mortgage cure. Part 4d add Rushmore Loan Management Services.

Are Schedules I and J being filed simultaneously with this Modified Plan?

☒ Yes

☐ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date October 13, 2017

/s/ Harvey I. Marcus

Harvey I. Marcus

Attorney for the Debtor

Date: October 13, 2017

/s/ Donald L Linden

Donald L Linden

Debtor

Date: October 13, 2017

/s/ Joanne Isidori-Linden

Joanne Isidori-Linden

Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s) if any, must sign this Plan.

Date October 13, 2017

/s/ Harvey I. Marcus

Harvey I. Marcus

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: October 13, 2017

/s/ Donald L Linden

Donald L Linden

Debtor

Date: October 13, 2017

/s/ Joanne Isidori-Linden

Joanne Isidori-Linden

Joint Debtor

Certificate of Notice Page 7 of 8
 United States Bankruptcy Court
 District of New Jersey

In re:
 Donald L Linden
 Joanne Isidori-Linden
 Debtors

Case No. 15-30186-SLM
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 45

Date Rcvd: Oct 16, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 18, 2017.

db/jdb
 cr +Donald L Linden, Joanne Isidori-Linden, 16 Carpenter Pl, Cranford, NJ 07016-2540
 +NATIONSTAR MORTGAGE LLC, C/O Buckley Madole, P.C., 99 Wood Avenue South, Suite 803, Iselin, NJ 08830-2713
 cr +NATIONSTAR MORTGAGE LLC, P. O. Box 9013, Addison, TX 75001-9013
 cr +Toyota Motor Credit Corp, c/o Buckley Madole PC, 99 Wood Ave South #803, Iselin, NJ 08830-2713
 cr +Toyota Motor Credit Corporation as servicer for To, C/O Buckley Madole, P.C., 99 Wood Avenue South, Suite 803, Iselin, NJ 08830-2713
 cr +U.S. Bank National Association, not in its individ, c/o Rushmore Loan Management Services, PO Box 55004, Irvine, CA 92619-5004
 515816733 +American Express, Po Box 3001, 16 General Warren Blvd, Malvern, PA 19355-1245
 515816734 +American Express, P.o. Box 981537, El Paso, TX 79998-1537
 515913987 American Express Centurion Bank, c o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701
 515816736 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, Attn: Recovery Department, 4161 Piedmont Pkwy, Greensboro, NC 27410)
 515816738 Bank of America, De5-019-03-07, Newark, DE 19714
 515816740 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One, 15000 Capital One Dr, Richmond, VA 23238)
 515816739 +Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
 515913134 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 515984415 Capital One, N.A., c o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701
 515816741 +Chase Card, Po Box 15298, Wilmington, DE 19850-5298
 515816743 +Chase Card Services, Po Box 15298, Wilmington, DE 19850-5298
 515816742 +Chase Card Services, Attn:Bankruptcy Dept, Po Box 15298, Wilmington, DE 19850-5298
 515816745 +Citibank, Po Box 6241, Sioux Falls, SD 57117-6241
 515816744 +Citibank, Citicorp Credit Svcs/Centralized Bankrupt, Po Box 790040, Saint Louis, MO 63179-0040
 516023529 ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
 (address filed with court: Nationstar Mortgage LLC, PO Box 619096, Dallas, Texas 75261-9741)
 515816750 +Nationstar Mortgage LLC, Attn: Bankruptcy, PO Box 619094, Dallas, TX 75261-9094
 515931947 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245, TRENTON NJ 08646-0245
 (address filed with court: State of New Jersey, Division of Taxation, P.O. Box 245, Trenton, NJ 08695-0245)
 515816751 State of New Jersey, PO Box 245, Trenton, NJ 08602-0245
 515816754 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota Motor Credit, 4 Gatehall Dr Ste 350, Parsippany, NJ 07054)
 515816753 +Tnb-Visa (TV) / Target, Po Box 673, Minneapolis, MN 55440-0673
 515816752 +Tnb-Visa (TV) / Target, C/O Financial & Retail Services, Mailstop BV P.O.Box 9475, Minneapolis, MN 55440-9475
 515956999 +Toyota Lease Trust, c/o TOYOTA MOTOR CREDIT CORPORATION, PO BOX 9013, ADDISON, TEXAS 75001-9013
 515816756 Toyota Motor Credit Co, Address Not Available, Atlanta, GA 30309
 515872987 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 516281325 U.S. Bank National Association, c/o Rushmore Loan Management Services, PO Box 52708, Irvine, CA 92619-2708
 516281326 +U.S. Bank National Association, c/o Rushmore Loan Management Services, PO Box 52708, Irvine, CA 92619-2708, U.S. Bank National Association, c/o Rushmore Loan Management Services 92619-2708
 515816757 Wells Fargo, Wells Fargo Bank, Mac X2505-033 Pob 10438, Des Moines, IA 50306
 515816758 +Wells Fargo, Po Box 84712, Sioux Falls, SD 57118-4712
 515913005 +Wells Fargo Bank N A, Wells Fargo Education Financial Services, 301 E 58th Street N, Sioux Falls SD 57104-0422
 515962176 eCAST Settlement Corporation, POB 29262, New York, NY 10087-9262

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usan.j.njbankr@usdoj.gov Oct 16 2017 22:38:04 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreign03.ne.ecf@usdoj.gov Oct 16 2017 22:38:02 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235

cr +E-mail/PDF: gecsedirecoverycorp.com Oct 16 2017 22:39:32 Synchrony Bank, c/o Recovery Mgmt. Sys., 25 SE 2nd Ave., Ste. 1120, Miami, FL 33131-1605
 515816747 E-mail/Text: mrdiscen@discover.com Oct 16 2017 22:37:22 Discover Financial, Po Box15316, Wilmington, DE 19850

515843214 E-mail/Text: mrdiscen@discover.com Oct 16 2017 22:37:22 Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025

515816746 +E-mail/Text: mrdiscen@discover.com Oct 16 2017 22:37:22 Discover Financial, Attention: Bankruptcy Department, Po Box 3025, New Albany, OH 43054-3025

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 45

Date Rcvd: Oct 16, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

515816748 +E-mail/Text: cio.bncmail@irs.gov Oct 16 2017 22:37:45 Internal Revenue Service,
Centralized Insolvency Operation, PO Box 7346, Philadelphia, PA 19101-7346
515816749 +E-mail/Text: bnckohlsnotices@becket-lee.com Oct 16 2017 22:37:29 Kohls/capone,
N56 W 17000 Ridgewood Dr, Menomonee Falls, WI 53051-7096
516081224 E-mail/PDF: gecsed@recoverycorp.com Oct 16 2017 22:39:47 Synchrony Bank,
c/o of Recovery Management Systems Corp, 25 S.E. 2nd Avenue, Suite 1120,
Miami, FL 33131-1605

TOTAL: 9

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

515816735* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank of America, P.O. Box 982236, El Paso, TX 79998)
515816737* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
(address filed with court: Bank of America, Po Box 982235, El Paso, TX 79998)
515816755* ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
(address filed with court: Toyota Motor Credit Co, Toyota Financial Services, Po Box 8026,
Cedar Rapids, IA 52408)

TOTALS: 0, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 18, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 13, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Toyota Lease Trust dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Francesca Ann Arcure on behalf of Creditor Toyota Motor Credit Corp
nj_ecf_notices@buckleymadole.com
Francesca Ann Arcure on behalf of Creditor Toyota Motor Credit Corporation as servicer for
Toyota Lease Trust nj_ecf_notices@buckleymadole.com
Harvey I. Marcus on behalf of Joint Debtor Joanne Isidori-Linden him@lawmarcus.com
Harvey I. Marcus on behalf of Debtor Donald L Linden him@lawmarcus.com
Marie-Ann Greenberg magecf@magtrustee.com
Melissa N. Licker on behalf of Creditor NATIONSTAR MORTGAGE LLC
NJ_ECF_Notices@buckleymadole.com
Robert P. Saltzman on behalf of Creditor U.S. Bank National Association, not in its
individual capacity but solely as trustee for the RMAC Trust, Series 2016-CTT dnj@pbslaw.org
Stuart H. West on behalf of Creditor U.S. Bank National Association, not in its individual
capacity but solely as trustee for the RMAC Trust, Series 2016-CTT swest@pbslaw.org

TOTAL: 9